

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REBECCA JANE KIMBALL,

Plaintiff,

-against-

6:14-CV-0698 (LEK/ATB)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This matter comes before the Court following a Report-Recommendation filed on June 16, 2015, by the Honorable Andrew T. Baxter, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 15 (“Report-Recommendation”). Plaintiff Rebecca Kimball (“Plaintiff”) timely filed objections. Dkt. Nos. 16 (“Objections”); 16-1 (“Memorandum”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); L.R. 72.1(c). If a party objects to a report-recommendation, “the Court subjects that portion of the report-recommendation to a *de novo* review.” Williams v. Roberts, No. 11-CV-0029, 2012 WL 760777, at *3 (N.D.N.Y. Mar. 7, 2012) (citing FED. R. CIV. P. 72(b)(2) and 28 U.S.C. § 636(b)(1)(C)); see also United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court should review that aspect of a report-recommendation for clear error. Barnes v. Prack, No. 11-CV-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d

301, 306-07 & n.2 (N.D.N.Y. 2008); see also *Machicote v. Ercole*, No. 06 Civ. 13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a *pro se* party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument.”). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b).

Plaintiff objects to the Report-Recommendation’s finding that the Administrative Law Judge’s decision is supported by substantial evidence. Mem. at 2-3. However, Plaintiff’s Objection is a mere reiteration of the arguments made in Plaintiff’s appeal before Judge Baxter. Compare id., with Dkt. No. 12 (“Brief”). Accordingly, the Court has reviewed the entirety of the Report-Recommendation for clear error and has found none.

Accordingly, it is hereby:

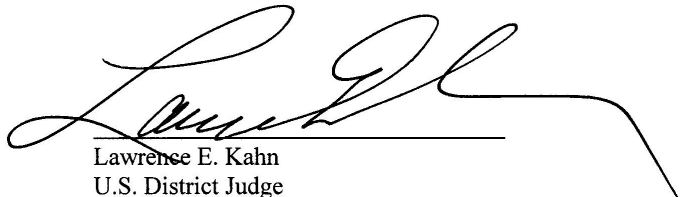
ORDERED, that the Report-Recommendation (Dkt. No. 15) is **APPROVED and ADOPTED in its entirety**; and it is further

ORDERED, that Plaintiff’s Complaint (Dkt. No. 1) is **DISMISSED with prejudice**; and it is further

ORDERED, that the Court serve a copy of this Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: July 13, 2015
Albany, New York


Lawrence E. Kahn
U.S. District Judge